

IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
IN AND FOR THE COUNTY OF JACKSON, STATE OF FLORIDA

WARRANT FOR ARREST

IN THE NAME OF THE STATE OF FLORIDA TO ALL AND SINGULAR Sheriffs of this State and their duly appointed Deputies, the Executive Director of the Florida Department of Law Enforcement or his duly authorized Special Agents and Police Officers acting within their jurisdiction

You are commanded to arrest:

ZACHARY TYLER WESTER

Race: White
Sex: Male
Height: 6' 5"
DOB: [REDACTED]
FL DL: [REDACTED]
SSN: [REDACTED]



DAVID photo, for law enforcement use only

Last Known Address: [REDACTED]

An Affidavit for Arrest of the above individual for the charge specified herein was made before the Court and I have found that there is probable cause that ZACHARY TYLER WESTER, identified hereinabove, has committed in Jackson County, Florida, the felony and misdemeanor offenses of:

Conduct or Participation in an Enterprise through a Pattern of Racketeering Activity, F.S.S. 895.03(3) (1 Count)

Official Misconduct, F.S.S. 838.022(1)(a),(b), to wit: a Third Degree Felony (9 Counts)

Perjury, F.S.S. 837.12(1), to wit: a First Degree Misdemeanor (9 Counts)

Fabricating Evidence, F.S.S. 918.13, to wit: a Third Degree Felony (9 Counts)

Possession of a Controlled Substance, (Methamphetamine) F.S.S. 893.13(6)(a), to wit: a Third Degree Felony (9 Counts)

Possession of a Controlled Substance, (Marijuana) F.S.S. 893.13(6)(b), to wit: a First Degree Misdemeanor (1 Count)

Possession of Drug Paraphernalia, F.S.S. 893.147(1)(a), to wit: a First Degree Misdemeanor (9 Counts)

False Imprisonment, F.S.S. 787.02(1)(a), to wit: a Third Degree Felony (5 Counts)

You are hereby directed to bring said ZACHARY TYLER WESTER before me to answer this warrant charging him with One (1) count of Conduct or Participation in an Enterprise through a Pattern of Racketeering Activity, a First Degree Felony in violation of F.S.S. 895.03(3); Nine (9) counts of Official Misconduct, a Third Degree Felony in violation of F.S.S. 838.022(1)(a),(b); Nine (9) counts of Perjury, a First Degree Misdemeanor in violation of F.S.S. 837.12(1); Nine (9) counts of Fabricating Evidence, a Third Degree Felony in violation of F.S.S. 918.13; Nine (9) counts of Possession of a Controlled Substance (Methamphetamine), a Third Degree Felony in violation of F.S.S. 893.13(6)(a); One (1) count of Possession of a Controlled Substance (Marijuana), a First Degree Misdemeanor in violation of F.S.S. 893.13(6)(b); Nine (9) counts of Possession of Drug Paraphernalia, a First Degree Misdemeanor in violation of F.S.S. 893.147(1)(a); and Five (5) counts of False Imprisonment, a Third Degree Felony in violation of F.S.S. 787.02(1)(a), Florida Statutes against the peace and dignity of the State of Florida.

Given under my hand and seal on the 8 day of July, 2019, in Bay County, Florida.


CIRCUIT JUDGE

NO BOND WITH 1ST APPEARANCE

SET AT FIRST HPT.

Bond Amount and/or Other Conditions of Release

IN THE CIRCUIT COURT OF THE FOURTEENTH JUDICIAL CIRCUIT
IN AND FOR THE COUNTY OF JACKSON, STATE OF FLORIDA

AFFIDAVIT FOR ARREST WARRANT

STATE OF FLORIDA
COUNTY OF JACKSON

BEFORE ME, Michael C. Oakes, a Judge of the Circuit Court of the Fourteenth Judicial Circuit in and for Jackson County, Florida, personally appeared Special Agent Dyana Chase, Florida Department of Law Enforcement, Affiant herein, who, being duly sworn by me, deposes as follows and requests that an arrest warrant be issued for:

ZACHARY TYLER WESTER

Race: White
Sex: Male
Height: 6' 5"
DOB: [REDACTED]
FL DL: [REDACTED]
SSN: [REDACTED]



DAVID photo, for law enforcement use only

Last Known Address: [REDACTED]

Charging criminal violation of:

Conduct or Participation in an Enterprise through a Pattern of Racketeering Activity, F.S.S. 895.03(3) to wit: a First Degree Felony (1 Count)

Judge's Initials [Signature]

1 of 28

Affiant's Initials DC

And additional charges of:

Official Misconduct, F.S.S. 838.022(1)(a),(b), to wit: a Third Degree Felony (9 Counts)

Perjury, F.S.S 837.12(1), to wit: a First Degree Misdemeanor (9 Counts)

Fabricating Evidence, F.S.S. 918.13, to wit: a Third Degree Felony (9 Counts)

Possession of a Controlled Substance, (Methamphetamine) F.S.S. 893.13(6)(a), to wit: a Third Degree Felony (9 Counts)

Possession of a Controlled Substance, (Marijuana) F.S.S. 893.13(6)(b), to wit: a First Degree Misdemeanor (1 Count)

Possession of Drug Paraphernalia, F.S.S. 893.147(1)(a), to wit: a First Degree Misdemeanor (9 Counts)

False Imprisonment, F.S.S. 787.02(1)(a), to wit: a Third Degree Felony (5 Counts)

The facts establishing probable cause for the issuance of a warrant are as follows:

Your Affiant, Special Agent Dyana Chase, of the Florida Department of Law Enforcement (FDLE), investigated allegations of official misconduct committed by Jackson County Sheriff's Office (JCSO) Deputy Sheriff Zachary Wester. Based on the investigation conducted by the Florida Department of Law Enforcement, your Affiant has probable cause to believe that between 2017 and 2018, Zachary Wester, while operating under the color of law, employed as a Deputy Sheriff for the Jackson County Sheriff's Office, engaged in an ongoing pattern of racketeering activity that included perjury, fabricating evidence, official misconduct, false imprisonment, possession of a controlled substance and possession of drug paraphernalia. Your Affiant provides the following summary and additional facts that are either personally known to your Affiant or have been obtained by other law enforcement officers during the investigation.

Zachary Wester was employed as a Deputy Sheriff, assigned to the Patrol Division, at the Jackson County Sheriff's Office from May 18, 2016, until his termination on September 10, 2018. All incidents described within were conducted while Zachary Wester was acting in his official capacity as a sworn law enforcement officer for the Jackson County Sheriff's Office.

Judge's Initials _____

2 of 28

Affiant's Initials _____

DC

In July of 2018, the Jackson County Sheriff's Office received a complaint from the Fourteenth Judicial Circuit, Office of the State Attorney regarding concerns about inconsistencies noted in Deputy Sheriff Wester's sworn affidavits and reports versus observations made in his body camera footage.

The Jackson County Sheriff's Office subsequently initiated an internal investigation and on August 1, 2018, Jackson County Sheriff's Office Sheriff Lou Roberts requested that the Florida Department of Law Enforcement conduct a criminal investigation regarding allegations of official misconduct on the part of Zachary Wester.

During the course of this investigation, your Affiant obtained and reviewed the Jackson County Sheriff's Office Body Worn Camera Policy and discovered that the policy stated, in part, that deputies shall activate their agency issued body worn camera to record all traffic stops, domestic related calls, high priority calls and any other time the member deems appropriate. The camera shall remain activated until the event is completed in order to ensure the integrity of the recording, unless the contact moves into an area restricted by the policy. Your Affiant conducted a review of Deputy Wester's Jackson County Sheriff's Office personnel file and discovered that Deputy Wester signed an acknowledgement of the JCSO Body Worn Camera Policy, which was dated on July 18, 2016.

An investigation conducted by the Florida Department of Law Enforcement consisted of but was not limited to, collection of physical evidence, sworn witness interviews, a review of official records, and a review of Zachary Wester's arrests, including his affidavits, written reports, FDLE laboratory reports and corresponding body camera videos. A review of the allegations and supporting evidence revealed an ongoing pattern of criminal activity committed by Deputy Zachary Wester.

The incidents are outlined as follows:

(1) Incidents Related to Maria Turner

On July 14, 2017, Maria Turner was operating a vehicle that was stopped by Deputy Zachary Wester in Jackson County, Florida. Ultimately, Turner was arrested by Deputy Wester and charged with possession of methamphetamine, possession of drug paraphernalia, driving while license suspended/revoked with knowledge and violation of probation.

According to Deputy Wester's sworn affidavit, Deputy Wester stopped Turner's vehicle because it had an expired tag. Deputy Wester reported that Maria Turner's driver's license was suspended. Deputy Wester wrote in his report that he smelled the odor of marijuana coming from Turner's vehicle. He stated that he asked Turner about the smell, and Turner advised that she had not smoked any marijuana but had a friend with her all day, the day prior.

Judge's Initials

3 of 28

Affiant's Initials

DC

In Deputy Wester's sworn affidavit, he reported that his search of Turner's vehicle revealed a clear square style box in the driver's door panel. According to Deputy Wester, there was a white crystalized substance inside of the box that field tested positive for methamphetamine. Deputy Wester also reported locating a clear in color zip lock style bag containing a green leafy residue in the passenger floorboard. According to Deputy Wester, he identified the substance as marijuana. It was later confirmed through dispatch that Turner was on active state probation.

During the course of this investigation, your Affiant obtained a sworn statement from Maria Turner. According to Turner, she was traveling alone on Highway 90 in her husband's truck when she was stopped by Deputy Wester. When Deputy Wester made contact with Turner, he said he stopped her because he smelled the odor of marijuana when he passed her traveling on the opposite side of the road. Deputy Wester went back to his patrol car and when he returned, he told Turner that her driver's license was suspended indefinitely. Deputy Wester placed Turner in the back seat of his patrol car.

While sitting in Deputy Wester's patrol car, Turner observed Deputy Wester search Turner's vehicle. Turner saw Deputy Wester start on the driver's side and then go to the passenger side of her vehicle. Deputy Wester returned to his patrol car and retrieved something from his trunk. Deputy Wester then returned to the passenger side of her vehicle. Deputy Wester notified Turner that he located a container that contained methamphetamine in the passenger side door of her vehicle. Turner told Deputy Wester that it was not hers and she had never seen it before.

Turner said she did not smoke marijuana at the time and no one had smoked marijuana in her vehicle. Additionally, Turner maintained that neither she, nor her husband or her friends used methamphetamine. Turner further explained that she was on drug offender probation at the time for a pill related offense and had recently been back on track. According to Turner, there were no other deputies on scene during the traffic stop. Your Affiant confirmed through a review of Jackson County Sheriff's Office records associated with the traffic stop, that there were no other assisting units on scene.

There was no body camera video identified with Turner's arrest and no explanation in Deputy Wester's written reports as to why there was not a video recording. Deputy Wester indicated in his report that he located a bag containing a green leafy residue suspected to be marijuana but Turner was not charged with possession of marijuana. Deputy Wester also wrote in his affidavit that the container with methamphetamine was located in the driver side door; however, Turner advised that Deputy Wester told her it was located in the passenger side door.

The suspected methamphetamine that Deputy Wester reportedly located was sent to the Florida Department of Law Enforcement for chemistry analysis, and it was not identified as a controlled substance.

Deputy Wester used his position with Jackson County Sheriff's Office to commit the crimes of:

Judge's Initials 

4 of 28

Affiant's Initials 

- Count 1) Possession of Drug Paraphernalia (Bag)
- Count 2) Fabricating Evidence
- Count 3) Perjury (Not in an Official Proceeding)
- Count 4) Official Misconduct

(2) Incidents Related to Benjamin Bowling

On October 2, 2017, Benjamin Bowling was a passenger in a vehicle that was stopped by Deputy Zachary Wester in Jackson County, Florida. Ultimately, Bowling was arrested by Deputy Wester and charged with possession of methamphetamine and possession of drug paraphernalia.

According to Deputy Wester's sworn affidavit, Deputy Wester stopped the vehicle for inoperable tag lights and for crossing the side line on the roadway. Deputy Wester made contact with the driver, identified as Shelly Smith. Wester reported that he smelled the odor of marijuana coming from the vehicle, and he stated that Smith gave him consent to search the vehicle. Smith told Deputy Wester there were no narcotics in the vehicle, and she granted him permission to search. Upon making contact with the front seat passenger, identified as Benjamin Bowling, Deputy Wester purported that he observed Bowling make a furtive movement with his left hand toward the space between his seat and the center console. Deputy Wester reported that Bowling made a spontaneous statement that he (Bowling) smelled the odor of marijuana in the vehicle. Deputy Wester reported observing a small amount of marijuana "shake" in the passenger floor area.

Deputy Wester wrote in his sworn affidavit that his search of the vehicle revealed the following: in between the front seat passenger and center console, where Bowling's furtive movements were observed, Deputy Wester reported that he found a gray in color pen casing with three plastic baggies tied together with a black in color string. Two baggies contained a white crystalized residue that field tested presumptive positive for methamphetamine. The third baggie contained approximately 1.21 grams of crystalized substance that field tested presumptive positive for methamphetamine. Deputy Wester reported that the grey straw contained a white residue, which field-tested positive for methamphetamine. According to Deputy Wester's affidavit, post Miranda, Bowling stated he gave a friend a ride in the past week, and it must have been his friend's narcotics.

Deputy Wester's affidavit stated that Wester observed "marijuana shake" in the vehicle; however, the Jackson County Sheriff's Office Evidence Form associated with Bowling's arrest did not indicate marijuana was seized. Additionally, Deputy Wester's sworn affidavit stated that Wester's department issued body camera was activated during the encounter but there was no video identified as being associated with this incident.

During the course of this investigation, your Affiant obtained a sworn statement from Benjamin Bowling. According to Bowling, he and Smith were traveling to the store for diapers when they

Judge's Initials _____

5 of 28

Affiant's Initials

DC

were stopped by Deputy Wester. During the stop, Deputy Wester admitted to Smith and Bowling that their tag lights were just dim and not out and he also made a comment that their "mud tires" explained their swerving but Bowling did not think Smith had swerved. When Deputy Wester requested their identifications, Bowling only had his prison ID card (prior DUI conviction). Deputy Wester said that he smelled the odor of marijuana but Bowling maintained that he and Smith did not do drugs.

Bowling recalled that Deputy Wester went to his patrol car and retrieved gloves prior to searching but he placed the gloves on the roof of Smith's car and searched the driver's side before putting the gloves on. Deputy Wester then put the gloves on and searched the passenger side. Deputy Wester asked Bowling if he could smell marijuana and Bowling said he did but Bowling thought the smell was coming from Wester, not their car.

Deputy Wester notified Bowling that he located methamphetamine. Bowling maintained that the drugs were not his or Smith's and he had no knowledge of their presence. At the time, the Department of Children and Families had awarded Bowling custody of his daughter and he consistently submitted to drug testing. Bowling was adamant he had been clean since he was released from prison for a DUI conviction. Furthermore, Bowling voluntarily took a drug test after he was arrested and it was negative. Bowling contacted the Sheriff's Office and requested that the drugs were tested for DNA and fingerprints. Bowling also requested the body camera video but never received it. Bowling lost custody of his daughter because of the arrest.

The suspected methamphetamine that Deputy Wester reportedly located was sent to the Florida Department of Law Enforcement for chemistry analysis, and it was identified as methamphetamine.

Deputy Wester used his position with Jackson County Sheriff's Office to commit the crimes of:

- Count 5) False Imprisonment
- Count 6) Possession of Drug Paraphernalia
- Count 7) Possession of Methamphetamine
- Count 8) Fabricating Evidence
- Count 9) Perjury (Not in an Official Proceeding)
- Count 10) Official Misconduct

(3) Incidents Related to Derek Benefield

On October 16, 2017, Derek Benefield was operating a vehicle that was stopped by Deputy Zachary Wester in Jackson County, Florida. Ultimately, Benefield was arrested by Deputy Wester and charged with possession of methamphetamine, possession of marijuana less than 20 grams and possession of drug paraphernalia.

Judge's Initials 

6 of 28

Affiant's Initials 

According to Deputy Wester's sworn affidavit, Deputy Wester stopped Benefield because he was looking down and crossed a solid yellow line into Deputy Wester's lane of travel. Upon making contact with Benefield, Deputy Wester reported that he smelled the odor of marijuana emitting from the vehicle. According to Deputy Wester, Benefield admitted that he occasionally smoked marijuana. Deputy Wester conducted a search of the vehicle, and he alleged that the following items were located: under the front driver's seat, a clear plastic casing containing a white residue. He stated that the residue was later field tested presumptive positive for methamphetamine. In close proximity to the casing, he reported that he found a clear jewelry baggie containing approximately 1.19 grams of a crystalized substance that field tested positive for methamphetamine. In the driver's side floorboard, he stated that he located approximately 1.2 grams of marijuana "shake."

Deputy Wester reported that Benefield denied any knowledge of the items recovered post Miranda, but he stated that he had a friend who uses methamphetamine in the vehicle a few weeks ago. Benefield said he had been clean since he was released from prison five years ago, except for marijuana usage.

There was no body camera video identified with Benefield's arrest and no explanation in Deputy Wester's written reports as to why there was not a video recording.

During the course of this investigation, your Affiant obtained a sworn statement from Derek Benefield. According to Benefield, Deputy Wester asked him if he knew why he pulled him over. Benefield assumed maybe it was for speeding because his speedometer was broken but Deputy Wester never told Benefield the reason. Deputy Wester took Benefield's license and when he came back, told Benefield he smelled the odor of marijuana. Benefield reported neither he, nor anyone in his car had been smoking marijuana and there was no marijuana in the car so he gave Deputy Wester consent to search his vehicle. Deputy Wester searched the driver's side, then the passenger side before returning back to the driver's side. Deputy Wester showed Benefield a pen that contained a little jewelry bag with a white substance in it.

Benefield swore he had never seen it before and had no knowledge of it being in his car. Benefield watched Deputy Wester conduct a field test that turned purple or blue. Benefield told Deputy Wester he did not mess with that stuff (methamphetamine) and he was proud to be clean.

The suspected methamphetamine that Deputy Wester reportedly located was sent to the Florida Department of Law Enforcement for chemistry analysis, and it was identified as methamphetamine.

Deputy Wester used his position with Jackson County Sheriff's Office to commit the crimes of:

Count 11) False Imprisonment

Count 12) Possession of Drug Paraphernalia

Judge's Initials 

7 of 28

Affiant's Initials 

Count 13) Possession of Methamphetamine
Count 14) Fabricating Evidence
Count 15) Perjury (Not in an Official Proceeding)
Count 16) Official Misconduct

✓ **(4) Incidents Related to Teresa Odom**

On February 15, 2018, Teresa Odom was operating a vehicle that was stopped by Deputy Zachary Wester in Jackson County, Florida. Ultimately, Odom was arrested by Deputy Wester and charged with possession of methamphetamine and possession of drug paraphernalia.

According to Deputy Wester's sworn affidavit, he stopped Odom because he observed her vehicle's break lights work intermittently and flicker on and off at a fast pace. During the stop, verbal consent was granted to search Odom's vehicle. Deputy Wester wrote in his sworn affidavit that a search of the vehicle revealed the following: in the driver's side floorboard, a silver spoon with a white residue that field tested presumptive positive for methamphetamine. In a blue in color purse, where Odom retrieved her driver's license from, a small plastic baggie that contained approximately .87 grams of a crystallized substance presumed to be methamphetamine. A subsequent field test returned a presumptive positive.

A review of Deputy Wester's body camera video from Odom's arrest revealed the following. Prior to searching Odom's vehicle, Deputy Wester returned to his patrol vehicle and sat in the driver's seat. Deputy Wester leaned forward and paused while a shuffling and pop sound was audible. Deputy Wester exited his patrol car and approached the driver's side door of Odom's truck. When Deputy Wester first entered the driver's side of Odom's truck, Deputy Wester attempted to put on his left tactical style glove but was unable to do so because an item, which appeared to be a small plastic bag containing a white substance, was clutched in his palm. Without putting on the glove, Deputy Wester's left hand dropped out of view, down toward the front of the driver's seat, and after a brief pause, reappeared empty. Deputy Wester then put on his gloves and began to search. Deputy Wester's report did not mention or explain the small bag clutched in Deputy Wester's hand, nor was an explanation voiced by Deputy Wester in his body camera video.

While conducting a search of Odom's purse, Deputy Wester's left hand dropped again, down toward the front of the driver's seat. Deputy Wester continued to search Odom's purse with one hand (his right hand), when suddenly Deputy Wester's left hand reappeared and entered Odom's purse again. Deputy Wester briefly stopped searching Odom's purse to speak with Odom. Deputy Wester re-entered Odom's driver's side and picked up a silver spoon from the driver's side floorboard. Deputy Wester placed the spoon on the driver's seat and reached into Odom's purse again. Deputy Wester pulled out a small plastic bag that contained a white substance, substantially similar in appearance to the item that was clutched in his hand at the onset of his search.

Judge's Initials 

8 of 28

Affiant's Initials 

When Deputy Wester confronted Odom with the methamphetamine, Odom adamantly denied that it was hers. Odom told Deputy Wester that she used the spoon to eat yogurt. Deputy Wester's sworn affidavit stated he located a small plastic bag that contained a crystalized substance, presumed to be methamphetamine, in a blue purse where Odom retrieved her driver's license. However, the body camera video clearly showed Odom retrieve her driver's license from a black in color wallet, which was not in her purse. At no time in the video was Odom observed retrieving anything from her purse.

During the course of this investigation, your Affiant obtained a sworn statement from Teresa Odom. Odom stated the spoon was hers and she had used it to eat yogurt. Odom maintained that the methamphetamine she was charged with was not hers and she had never seen it before. Odom advised that she gave Deputy Wester consent because she knew there was nothing illegal in her vehicle.

The suspected methamphetamine that Deputy Wester reportedly located was sent to the Florida Department of Law Enforcement for chemistry analysis, and it was identified as methamphetamine.

Deputy Wester used his position with Jackson County Sheriff's Office to commit the crimes of:

- Count 17) False Imprisonment
- Count 18) Possession of Methamphetamine
- Count 19) Possession of Drug Paraphernalia
- Count 20) Fabricating Evidence
- Count 21) Perjury (Not in an Official Proceeding)
- Count 22) Official Misconduct

✓ **(5) Incidents Related to Maurice Elder and Cassandra Davis**

On March 24, 2018, Maurice Elder was operating a vehicle stopped by Deputy Zachary Wester in Jackson County, Florida. Ultimately, Elder was arrested by Deputy Wester and charged with felon in possession of ammunition, felon in possession of firearm, possession of drug paraphernalia and possession of methamphetamine. Cassandra Davis was a passenger in Elder's vehicle and was arrested by Deputy Wester and charged with fugitive from justice, possession of methamphetamine, possession of drug paraphernalia and resisting without violence.

According to Deputy Wester's sworn affidavit, Deputy Wester stopped Elder's car because Elder changed lanes without using his turn signal, and he crossed over the white line multiple times. Deputy Wester smelled the odor of marijuana emitting from the interior of the vehicle, and he conducted a search of the vehicle.

Judge's Initials _____

Affiant's Initials DL

In Deputy Wester's sworn affidavit, he alleged that the following items were found. Under the front driver's seat, where Elder had been sitting, was a clear plastic bag that contained approximately .22 grams of crystalized substance that a field test indicated was presumptive positive for being methamphetamine. In the front passenger side floor board was a plastic bag that had a strong odor of marijuana emitting from within it. Two loaded firearms were located in the glove compartment, and a burnt marijuana cigarette was also located in the vehicle. Deputy Wester's affidavit stated that while searching the vehicle, dispatch advised that Davis had an active warrant for her arrest out of Houston County, Alabama. Davis was placed under arrest and placed into the back of Deputy Willis' patrol vehicle. A short time later, Deputy Trevor Lee observed Davis making movements in the vehicle. Deputies opened the door and observed several "shards" of crystalized substance scattered on the rear seat, adjacent to Davis. The substance was field tested and returned presumptive positive for methamphetamine. While escorting Davis away from Deputy Willis' patrol vehicle, a torn clear plastic bag was observed on the ground next to where Davis had been standing.

A review of the associated body camera video revealed the following: although Deputy Wester was the arresting officer, the only video associated with these arrests was from a back-up officer identified as Jackson County Sheriff's Office Deputy Trevor Lee. During a review of Deputy Lee's video, Deputy Wester was observed wearing a body camera; however, there was no video from his camera and no explanation in his written reports as to why he did not record a video.

The video began with Deputy Lee standing by Cassandra Davis outside of the vehicle, as she was crying. Deputy Wester was leaned into the front driver's side of the Elder's vehicle and said he smelled an odor of marijuana in the vehicle. Maurice Elder then exited the vehicle and Deputy Wester asked the two rear passengers to exit the vehicle. Deputy Wester returned to his patrol car and opened his driver's side door. Deputy Wester then approached Elder's vehicle wearing black tactical style gloves that he was not previously wearing. Deputy Wester entered the driver's side of Elder's vehicle and was observed dropping his left hand, which was closed into a fist, under the driver's seat, in the area closest to the door. Deputy Wester's left hand reappeared and began searching the top of the driver's seat while Deputy Lee searched the front passenger area.

Deputy Lee located two firearms in the glove compartment and asked Deputy Wester if he wanted to detain the occupants. Deputy Wester replied, "Yea, um" but continued to search the driver's side area instead of detaining the occupants. Shortly thereafter, Deputy Wester looked under the driver's seat and then searched the driver's side door compartment. Deputy Wester looked under the driver's seat again and then pulled out a flashlight from his belt. Deputy Wester leaned down closer to the driver's seat and said, "Here we go." Deputy Wester looked up while he reached under the seat with his right hand, in the same area that he was observed placing his closed fist at the onset of the search. Deputy Wester pulled out a plastic bag with alleged methamphetamine in it.

Judge's Initials

10 of 28

Affiant's Initials

Later in the video, Deputy Lee told Deputy Willis that Davis was making movements in the back of her patrol car. Deputy Lee opened the back passenger door, opposite from where Davis was sitting. Deputy Lee told Davis, who was handcuffed behind her back, to give her cell phone to Deputy Willis. Deputy Lee pointed to an unidentified substance on the back passenger seat, across where Davis was sitting, and asked Deputy Willis if it was in her patrol car that morning. Deputy Willis initially said yes but Deputy Lee clarified and asked if the "glass shards" were in her patrol car and Deputy Willis said no. Deputy Lee said, "Good deal", and Davis cried out, "Oh my God, are you kidding me?" and repeatedly said that the substance was not hers. Deputy Lee and Deputy Wester discussed collecting the loose "shards" from the back seat and Deputy Wester advised Deputy Lee that he collected enough to charge Davis.

The video also showed Deputy Lee locating a suspected marijuana "roach" under the rear passenger seat but the rear passenger was not charged or even identified in the offense report.

During the encounter, Davis and Elder were visibly upset and adamant that the methamphetamine did not belong to them. Elder stated that the car might smell like marijuana but there was nothing in the car and he later stated that he had cleaned out his car and knew there was nothing in it.

During the course of this investigation, your Affiant obtained a sworn statement from both Cassandra Davis and Maurice Elder. Davis maintained the methamphetamine was not hers or Elder's and they have never even used methamphetamine. Furthermore, Davis advised that she and Elder had been on vacation and recently cleaned out their vehicle. Davis was wearing a dress the day she was arrested and was thoroughly searched by a female deputy prior to being placed in the back of the patrol car. Davis was allowed to keep her cell phone and while she was in the back seat, Davis texted her mother to let her know what was happening. The female deputy came to Davis at the back seat and told her she was making a lot of movement. Another deputy, identified as Deputy Lee, pointed out a substance in the back seat of the patrol car. Davis described it as looking like white sand and a small piece of broken glass. Later on, Deputy Wester told Davis that the substance tested positive for methamphetamine.

Elder also maintained the methamphetamine was not his or Davis'. Upon approaching Elder's vehicle, Deputy Wester advised Elder that he had observed Elder swerve and could smell marijuana emitting from Elder's vehicle. Elder denied swerving or having the odor of marijuana emitting from his vehicle. Elder stated that he and his companions had smoked marijuana on a previous day while on vacation but had not smoked marijuana that day. Elder gave Wester consent to search his vehicle because he was not worried, as he was confident there were no controlled substances in the vehicle. Elder explained that he had a concealed carry permit in Alabama and was not worried about Deputy Wester locating his firearm in his vehicle.

The suspected methamphetamine that Deputy Wester reportedly located was sent to the Florida Department of Law Enforcement for chemistry analysis, and it was identified as methamphetamine.

Judge's Initials 

11 of 28

Affiant's Initials 

Deputy Wester used his position with Jackson County Sheriff's Office to commit the crimes of:

- Count 23) Possession of Drug Paraphernalia (Bag under Elder's seat)
- Count 24) Possession of Methamphetamine (Methamphetamine under Elder's seat)
- Count 25) Fabricating Evidence
- Count 26) Perjury (Not in an Official Proceeding)
- Count 27) Official Misconduct

6) Incidents Related to Joshua Emanuel

On April 8, 2018, Joshua Emanuel was pulled over by Deputy Zachary Wester in Jackson County, Florida and was subsequently arrested by Deputy Wester and charged with driving while license is suspended/revoked with knowledge, possession of methamphetamine and possession of drug paraphernalia.

According to Deputy Wester's sworn affidavit, Deputy Wester observed a silver sedan traveling in front of him on Highway 231. Deputy Wester checked the license plate and discovered that the registered owner, Joshua Emanuel, had a suspended license. Deputy Wester was able to positively identify the driver as being Emanuel through the use of a law enforcement database. Deputy Wester stopped Emanuel and made contact with him. Deputy Wester obtained Emanuel's registration and proof of insurance and returned to his patrol car. While Deputy Wester was in his patrol car, he observed Emanuel reach from the driver's side of the vehicle to the front passenger side several times. Deputy Wester made contact with Emanuel and asked him to step out of the vehicle to discuss the incident further. Once out the vehicle, Deputy Wester asked Emanuel if there were any illegal weapons or narcotics within the vehicle. Emanuel stated that there was a loaded handgun in the center console and granted consent for Deputy Wester to retrieve the handgun and ensure that it was not entered as stolen in NCIC/FCIC.

In Deputy Wester's sworn affidavit, Deputy Wester stated that he opened Emanuel's center console, and he observed a black handgun. Deputy Wester reported that he observed an orange plastic cap sticking up from between the center console and front passenger seat. Deputy Wester stated that he believed it was the top of a hypodermic syringe. Deputy Wester reported that he asked Emanuel whether he was aware of any needles in the vehicle, and Emanuel stated "no." Emanuel told Deputy Wester that he could retrieve the item. Deputy Wester alleged that he opened the front passenger door, and he observed a hypodermic syringe in a plastic sandwich bag. Deputy Wester stated that the plastic bag also contained a clear plastic container that contained a crystalized substance. The substance was subsequently field tested and returned presumptive positive for methamphetamine. Post Miranda, Emanuel stated that he does not use illegal drugs and never has.

Judge's Initials _____

12 of 28

Affiant's Initials DC

A review of Wester's body camera video revealed the following. The video did not capture Deputy Wester locating the alleged contraband because Deputy Wester did not activate his camera until after the suspected methamphetamine was located. A comparison of Deputy Wester's report and camera records revealed that the video did not begin until approximately twenty three minutes into the stop. There was no explanation in Deputy Wester's written report as to why the video started well into the traffic stop and in the middle of his search.

When the video began, Deputy Wester was observed wearing black tactical gloves and searching through the passenger area of Emanuel's vehicle. Shortly thereafter, Deputy Wester walked back to his patrol car where Emanuel was standing with a Florida Highway Patrol Trooper (identified as Trooper Jeff Opry). Deputy Wester read Emanuel his Miranda Rights, which Emanuel waived. Deputy Wester proceeded to paraphrase what had transpired during the stop. Deputy Wester inquired about suspected illegal narcotics located between the center console and front passenger seat. Deputy Wester also reiterated that Emanuel previously told Deputy Wester that people regularly ride with him in his vehicle. Emanuel clarified that his employees ride with him every day and he was not aware of any employees utilizing illegal narcotics. Additionally, Emanuel said that he did not use illegal narcotics. Deputy Wester told Emanuel that he observed him make movements inside his vehicle when Deputy Wester was checking Emanuel's driver's license. Emanuel explained that he was looking for receipts documenting payments on his tickets to see what might have caused his driver's license to be suspended. After their conversation, Deputy Wester went back to Emanuel's vehicle and continued to search for a couple minutes. No other items were located.

Deputy Wester went to the trunk of his patrol car and retrieved a field test then took the test and suspected contraband to the hood of his patrol car. Deputy Wester checked Emanuel's arms for track marks and indicated there were none. Emanuel reiterated that he is not a user. Deputy Wester conducted the field test in the presence of Trooper Opry and Emanuel. The results of the test were inconclusive in the video but Deputy Wester advised that the test yielded a positive result.

During the course of this investigation, you Affiant obtained a sworn statement from Joshua Emanuel. According to Emanuel, he was stopped by Deputy Wester and notified that his license plate indicated his driver's license was suspended. Deputy Wester confirmed that Emanuel's license was suspended and asked if there was anything in the car he (Deputy Wester) needed to worry about. Emanuel notified Deputy Wester that there was a handgun in his center console.

Deputy Wester asked Emanuel to step out of the vehicle so he could verify the registry on the firearm. Emanuel exited the vehicle and stood at the front of Deputy Wester's patrol car with Trooper Opry. Trooper Opry stayed with Emanuel and did not participate in the search. Deputy Wester came back after a few seconds and said that he found something in the car and he was going to test it. Shortly thereafter, Deputy Wester notified Emanuel that it tested positive for

Judge's Initials _____

13 of 28

Affiant's Initials

DL

methamphetamine. Deputy Wester told Emanuel that he found a syringe, with a used needle and brown liquid in it. Emanuel was in total shock because he has never used drugs.

Looking back on the situation, Emanuel felt that initially Deputy Wester was acting as if the contraband was actually Emanuel's by saying things to the effect of, this is what we found, you're going to jail and there is nothing you can do to get out of it. Deputy Wester drilled Emanuel and made him take off his sunglasses so Deputy Wester could see Emanuel's eyes to determine if he was telling the truth. Deputy Wester also made Emanuel take off his jacket so he could check his arm for track marks. Emanuel said that Deputy Wester was smirking, like he was playing a game with Emanuel, and the situation was going exactly where Deputy Wester needed it to. Then, Trooper Opry realized that Emanuel was a distant relative of Trooper Opry's and the officers realized who Emanuel's parents were. Emanuel's mom had worked for two prominent local attorneys and his father worked at the local federal prison.

Emanuel said that Deputy Wester's whole demeanor changed and he told Emanuel not to worry, that he was going to word his report as the contraband could have been someone else's drugs. Emanuel was never hand cuffed and went to jail but was subsequently released without having to post bond.

The suspected methamphetamine that Deputy Wester reportedly located was sent to the Florida Department of Law Enforcement for chemistry analysis, and it was identified as methamphetamine.

Deputy Wester used his position with Jackson County Sheriff's Office to commit the crimes of:

- Count 28) Possession of Drug Paraphernalia
- Count 29) Possession of Methamphetamine
- Count 30) Fabricating Evidence
- Count 31) Perjury (Not in an Official Proceeding)
- Count 32) Official Misconduct

(7) Incidents Related to Steve Vann

On April 17, 2018, Steve Vann was operating a vehicle that was stopped by Deputy Zachary Wester in Jackson County, Florida. Ultimately, Vann was arrested by Deputy Wester and charged with possession of methamphetamine and possession of drug paraphernalia.

According to Deputy Wester's sworn affidavit, Deputy Wester stopped Vann for crossing the double yellow center line and the side white line. Deputy Wester advised that he made contact with Vann, and Vann stated that his front end was out of line and he was going to the mechanic to have it fixed. During the traffic stop, Deputy Wester indicated in his report that Vann gave him consent to search his vehicle.

Judge's Initials 

14 of 28

Affiant's Initials 

In Deputy Wester's sworn affidavit, Deputy Wester stated that he conducted a search, and that he located a bag that contained a crystalized substance suspected to be methamphetamine. Deputy Wester stated that a field test returned a presumptive positive result for the substance being methamphetamine with a distinct color change in the reagent from clear to dark blue once the substance was introduced therein.

A review of Deputy Wester's body camera video from Vann's arrest revealed the following: the video did not begin until Deputy Wester was searching the passenger side of Vann's vehicle. A comparison of Deputy Wester's report and camera records revealed that the video did not begin until approximately twenty minutes into the stop. There was no explanation in Deputy Wester's written report as to why the video started well into the traffic stop and in the middle of his search.

In the beginning of the video, Deputy Wester was observed opening the front passenger side door of Vann's vehicle and searching the contents therein. Deputy Wester was wearing black tactical style gloves during the search. When Deputy Wester opened the front passenger door, the large center console compartment lid was in the open position. The open lid obstructed the view to the inside of the console compartment. Approximately one minute and thirty seconds into the video, Deputy Wester was observed in the front passenger area, reaching around the large open center console lid and retrieving a small black plastic bag.

Deputy Wester stated in his affidavit that the contents of the bag returned presumptive positive for methamphetamine with a distinct color change from clear to dark blue once the substance was introduced therein; however, in the video, when Deputy Wester conducted the field test, it did not appear to turn blue. Deputy Wester was observed repeatedly shaking and inspecting the test, flipping it over to view the positive color indicator printed on the kit. Deputy Wester even cracked the ampules again and continued to shake and inspect the test but the test never appeared to turn blue. Deputy Wester left the test in the trunk of his patrol car and notified Vann that the substance tested positive for methamphetamine. Vann became emotional and visibly upset and denied knowledge and possession of the methamphetamine.

In the video, Deputy Wester summarized the events that transpired during the traffic stop to Vann. Deputy Wester explained that he stopped Vann because he observed Vann cross a line on the roadway. Deputy Wester then made contact with Vann and explained the reason for the stop. Deputy Wester also mentioned an odor in the vehicle and that Vann told Deputy Wester he could search the vehicle. Then Deputy Wester asked Vann why he told Deputy Wester he could search his vehicle. Vann explained to Deputy Wester that he told Deputy Wester he could search his vehicle because Vann had been pulled over in the past and told by an officer that the smell of marijuana gave the officer the right to search. Deputy Wester continued and explained to Vann that he searched Vann's vehicle and started on the driver's side and moved to the passenger side, where he opened the center console and located the baggie.

Approximately seven and a half minutes after Deputy Wester conducted the field test, Deputy Wester returned to his trunk, retrieved the test and visibly inspected it again. The color still did not appear to be blue and Deputy Wester moved the field test to another area of his trunk, away from Vann's belongings.

During the course of this investigation, your Affiant obtained a sworn statement from Vann. Vann stated that he did not have any drugs in his vehicle and insisted that the methamphetamine was not his and he had no knowledge of it being in his vehicle. According to Vann, Deputy Wester had followed Vann for several miles before pulling him over. Deputy Wester initially advised Vann he stopped him because a database showed that his vehicle was not insured. Vann produced proof of insurance and Deputy Wester then said he also saw Vann cross the double yellow line. Deputy Wester obtained Vann's license and said that he smelled burnt marijuana, which Vann felt implied that Deputy Wester wanted to search the vehicle. Deputy Wester never asked for consent but because Vann felt that Deputy Wester wanted to search, Vann offered Deputy Wester consent because Vann had nothing to hide.

Vann exited his vehicle and allowed Deputy Wester to search. Prior to searching, Deputy Wester went to his patrol car and retrieved gloves. Deputy Wester started on the driver's side and searched for a very short time, twenty to thirty (20-30) seconds, and then went to the passenger side. Deputy Wester searched the back passenger seat for a few seconds then went to the front passenger seat. According to Vann, Deputy Wester sat in Vann's front passenger seat. Deputy Wester came back to Vann with a small baggie that had black marker streaks drawn on it. Vann told Deputy Wester that he did not know what the bag was and it was not his.

Deputy Wester mentioned the odor of marijuana in his body camera video but it was never documented in Deputy Wester's written report, nor was it documented that marijuana was located during the search.

The suspected methamphetamine that Deputy Wester reportedly located was sent to the Florida Department of Law Enforcement for chemistry analysis, and it was identified as methamphetamine.

Deputy Wester used his position with Jackson County Sheriff's Office to commit the crimes of:

- Count 33) False Imprisonment
- Count 34) Possession of Drug Paraphernalia
- Count 35) Possession of Methamphetamine
- Count 36) Fabricating Evidence
- Count 37) Perjury (Not in an Official Proceeding)
- Count 38) Official Misconduct

Judge's Initials _____

16 of 28

Affiant's Initials DL

(8) Incidents Related to Trevor Day and Kimberly Wood

On May 4, 2018, Trevor Day was operating a vehicle stopped by Deputy Zachary Wester in Jackson County, Florida. Ultimately, Day was arrested and charged with possession of methamphetamine, possession of marijuana less than 20 grams and possession of drug paraphernalia. Kimberly Wood was a passenger in Day's vehicle and was arrested and charged with possession of methamphetamine, possession of marijuana less than 20 grams and possession of drug paraphernalia.

According to Deputy Wester's sworn affidavit, he stopped Day because he was traveling without headlights or tail lights. Deputy Wester observed the front seat driver and passenger make furtive movements. Upon making contact with the driver, identified as Trevor Day, and the front seat passenger, Kimberly Wood, Day admitted that he was driving without headlights because he forgot to turn them on. According to Deputy Wester, he smelled the odor of marijuana emitting from the interior of the vehicle. Deputy Wester asked Day to exit the vehicle to discuss the incident further. During their conversation, Day admitted they had smoked "weed" earlier in the day, and there were a few "roaches" in the vehicle. Wood was instructed to exit the vehicle, Wood told Deputy Wester there was a "bud" in the ash tray, and Deputy Wester conducted a probable cause search of the vehicle.

In Deputy Wester's sworn affidavit, he stated that the search revealed the following: a baggie containing a green leafy substance identified as marijuana in the ash tray of the vehicle. He reported that he located a black pouch in the center console that contained a thick white residue. He advised that residue field-tested positive for methamphetamine. Between the front passenger seat and the center console, Deputy Wester purported that he located a torn plastic baggie with a crystalized substance, which field tested positive for methamphetamine. Deputy Wester alleged that there were numerous shards of a crystalized substance scattered on the driver's floorboard. Deputy Wester field-tested one of the shards, and he stated that it tested positive for methamphetamine. Post Miranda, both Day and Wood denied knowledge of the suspected methamphetamine, but they claimed ownership of the marijuana.

Your Affiant checked the evidence form, and the roaches Day and Wood told Deputy Wester were in the vehicle were not listed on the JCSO Evidence Form.

During the course of this investigation, your Affiant reviewed body camera footage from Deputy Wester and Corporal Jeff Tarter, who arrived on scene to assist Deputy Wester. A review of the body camera videos associated with Day and Wood's arrests revealed the following:

Deputy Wester's video was approximately seven minutes long, and it was turned off before any contraband was located in the vehicle. When the video started, Deputy Wester was standing at the driver's side window of Day's vehicle talking to the occupants. Deputy Wester returned to his patrol car with three identifications and proceeded to check them through dispatch and on his computer. Deputy Wester returned to Day's vehicle and requested that Day exit the vehicle.

Judge's Initials _____

17 of 28

Affiant's Initials

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At that time, Deputy Wester told Day when he first made contact with the occupants, he smelled food (which was not previously captured on video). Deputy Wester asked Day if they had smoked marijuana in the vehicle. Day admitted they had smoked marijuana and Deputy Wester asked if that was the odor he smelled. Day said yes, and Deputy Wester asked if there was any marijuana in the vehicle. Day admitted there were roaches in the vehicle. Deputy Wester said he was going to search the vehicle. Deputy Wester asked Wood and the back seat passenger, identified as Ashton Johnon, to step out. Wood disclosed to Deputy Wester that there was marijuana in the ashtray, not just roaches. Deputy Wester put on his black tactical gloves and began searching in the front passenger side of the vehicle. Deputy Wester moved items around and opened a laundry detergent container. After searching the container, Deputy Wester placed the container back on the floorboard, along with a large McDonald's bag that was sitting on the passenger seat. No items were visible or located during the search of that area, but Deputy Wester reported in his affidavit that he found methamphetamine on the passenger floorboard. Deputy Wester's search lasted for less than one minute before the video ended. The video did not capture Deputy Wester locating any contraband in the vehicle. There is no explanation in Deputy Wester's written reports for the incomplete video.

Corporal Tarter's video slightly overlapped Deputy Wester's video. Corporal Tarter stood with Day, Wood and Johnon near Deputy Wester's patrol car while Deputy Wester searched the passenger side of Day's vehicle. Deputy Wester searched the driver's side and then the rear passenger area where Johnon was sitting. Then, Deputy Wester moved back to the front passenger area where he had previously searched. Johnon asked Day and Wood if they told Deputy Wester where it was (referencing the marijuana). Wood indicated that she did. Deputy Wester came back to Wood, and he asked her where she said the marijuana was located, as if he had not located it yet. Wood described the location to Deputy Wester, and he went back to the front passenger side and searched again. Deputy Wester returned to his patrol car, and he made a comment about finding the marijuana. Deputy Wester returned to the passenger side of Day's vehicle. Shortly thereafter, Deputy Wester approached Day and Wood. He placed them both in handcuffs, and he advised that they were being detained.

Corporal Tarter's video depicted Deputy Wester going to his patrol car, then returning to the front passenger side of Day's vehicle. Deputy Wester had, what appeared to be, a field test kit organizer. Deputy Wester knelt down by the front passenger door for about one minute, and he returned to his patrol car with his field test organizer in hand. Deputy Wester then asked to speak with Day. Their conversation was not captured in the video. Then, Deputy Wester asked to speak with Wood. Deputy Wester asked Corporal Tarter to move Day and Johnon so they could not hear the conversation. Corporal Tarter, Day, and Johnon moved away from Deputy Wester's vehicle. Ultimately, Deputy Wester notified Day that he and Wood were both going to jail for being in constructive possession of methamphetamine. Deputy Wester asked Day if there was any other explanation for the methamphetamine. Day explained that his mother was addicted to methamphetamine, and that he got the vehicle from his mother about a month prior. Day told Deputy Wester he had not vacuumed the vehicle out since getting it from his mother.

Judge's Initials _____

18 of 28

Affiant's Initials

DL

In summary, Corporal Tarter kept control of Day and Wood while Deputy Wester conducted the search, interviews, and field testing. There is no body camera footage from either Deputy Wester or Corporal Tarter that depicted Deputy Wester's search, interviews, or field testing.

During the course of this investigation, your Affiant obtained a sworn statement from both Trevor Day and Kimberly Wood.

Day provided a sworn statement advising that Deputy Wester instructed him to exit his vehicle because he smelled marijuana. Day acknowledged that there were three marijuana roaches in the vehicle's center console. Deputy Wester told Day that he was not concerned about marijuana. Deputy Wester advised that he would not arrest them if they were only in possession of marijuana. Deputy Wester returned to this patrol car several times during the search. Deputy Wester notified Day that he located trace amounts of methamphetamine on the passenger side floor board. Deputy Wester showed Day a small bag containing, what Day described as, small pieces of safety glass in a red liquid. Deputy Wester also showed Day a small fingernail clipper container, which Deputy Wester claimed had methamphetamine. Day stated that the container was red in color, and it clearly did not have any residue on it. The container belonged to his mother. Day stated that Deputy Wester never collected the marijuana roaches inside the vehicle.

Wood provided a sworn statement advising that, during this incident, Deputy Wester showed her a small bag containing a purple or red substance. He stated that the substance tested positive for methamphetamine. Wood said there were pieces of a broken mason jar on the floorboard, and she believed that was the substance Deputy Wester called methamphetamine. Wood stated that she, Day, and the other passenger, Johnon, do not use methamphetamine, and they have never been in possession of methamphetamine. Deputy Wester tried to get Wood to admit that the methamphetamine was hers or Day's, which Wood continued to deny. Other than the bag containing a red or purple substance, Deputy Wester did not show Wood any of the items he located during the search.

Wood further advised that her May 4, 2018 arrest was not her first interaction with Deputy Wester. A few months prior to Wood's arrest, she was pulled over by Deputy Wester. Wood and Deputy Wester were alone. Deputy Wester stated that he pulled her over for the "sticker" on her tag. Deputy Wester then took Wood's driver's license to his vehicle. When he returned, he stated that he smelled marijuana. Wood advised that she had smoked marijuana in her car on a previous occasion, but she was not in possession of marijuana at the time nor did she think the odor of marijuana was still detectable at the time. Deputy Wester detained Wood and placed her in the back of his patrol car. Deputy Wester told Wood that he was not worried about marijuana, and it was not a big deal. Deputy Wester searched her vehicle, and he advised that he located a small baggie containing two pills. Deputy Wester told her it was a third degree felony to be in possession of the pills. Wood stated that the pills were not hers, and she did not have any friends or other people riding in her vehicle who would have been in possession of the pills. Deputy Wester told Wood that he was going to let her go because she was, "too pretty to

Judge's Initials 

19 of 28

Affiant's Initials 

go to jail." Deputy Wester let Wood go and she did not observe what Deputy Wester did with the pills.

Your Affiant confirmed through a review of Jackson County Sheriff's Office records that there was a documented traffic stop on October 31, 2017 involving Deputy Wester and Kimberly Wood. The records indicated that during the stop, a person was detained and approximately seventeen minutes later, a female was released. There was no offense report associated with the stop and nothing that indicated contraband was located or seized.

The suspected methamphetamine that Deputy Wester reportedly located in Day's vehicle on May 4, 2018 was sent to the Florida Department of Law Enforcement for chemistry analysis, and was identified as methamphetamine.

Deputy Wester used his position with Jackson County Sheriff's Office to commit the crimes of:

- Count 39) Possession of Drug Paraphernalia
- Count 40) Possession of Methamphetamine
- Count 41) Fabricating Evidence
- Count 42) Perjury (Not in an Official Proceeding)
- Count 43) Official Misconduct

✓ **(10) Incidents Related to Kimberly Hazelwood**

On June 7, 2018, Jeremy Hazelwood was the driver of a vehicle that was stopped by Deputy Zachary Wester in Jackson County, Florida. Kimberly Hazelwood was seated in the passenger seat of the vehicle, and she was ultimately arrested by Deputy Wester and charged with possession of methamphetamine and possession of drug paraphernalia.

According to Deputy Wester's sworn affidavit, Deputy Wester stopped Jeremy Hazelwood because his car did not have insurance. Upon making contact with Jeremy Hazelwood, Deputy Wester informed him of the reason for the stop, and Jeremy Hazelwood advised that the insurance lapsed due to a missed payment.

In Deputy Wester's sworn affidavit, Deputy Wester stated that he observed Kimberly Hazelwood place a white pill bottle in a plastic bag in the front passenger floorboard. A K9 officer arrived on scene, and the K9 alerted to the presence of narcotics. Deputy Wester searched the car, and he alleged that he located a white, Excedrin pill bottle in a plastic bag in the front passenger floorboard containing an off-white colored substance. He stated that the substance field-tested positive for methamphetamine. According to Deputy Wester, Kimberly Hazelwood told him post Miranda that she purchased the pill bottle that day, and she placed it in the plastic bag because it was empty. He wrote in his report that Kimberly Hazelwood said she had relatives in her car who use methamphetamine.

Judge's Initials _____

20 of 28

Affiant's Initials DL

A review of Deputy Wester's body camera video from Kimberly Hazelwood's arrest revealed the following: Deputy Wester made contact with the Hazelwoods and explained the reason for the stop. Deputy Wester requested their identification and insurance information. Jeremy produced his driver's license but Kimberly could not find her identification card. Jeremy explained to Deputy Wester that he thought his insurance was valid until the tenth; however, he later provides paperwork indicated it expired on the second. Kimberly asked if she could look in the diaper bag in the back seat and Deputy Wester told her she could. Kimberly retrieved the diaper bag from the back seat and looked through it. Deputy Wester took Jeremy's paperwork and said he was going back to his patrol car to verify the information.

Deputy Wester obtained a pad of paper from his patrol car, re-approached the Hazelwoods' vehicle and asked for Kimberly's information. Deputy Wester obtained Kimberly's name and date of birth and his hands were seen resting on the driver's door. After getting Kimberly's information, Deputy Wester returned to his patrol car. Deputy Jackson had arrived on scene and was standing behind the Hazelwoods' van, while Deputy Wester ran information on his in car computer. Deputy Wester told Deputy Jackson Kimberly was "tripping out." However, Kimberly had not appeared to be overly nervous during the encounter.

Deputy Wester re-approached the driver's side of the vehicle and explained they were going to deploy a K-9 on the van and if everything came back good, there would be no citation but Jeremy needed to take care of the insurance issue. During this time, Deputy Wester's hands were seen resting on the driver's door and he even placed his hands inside the door a few times. Deputy Wester told Jeremy to turn the car off while the K9 searched.

Deputy Jackson deployed his K-9 on the vehicle, starting at the rear driver's side quarter panel, and continuing in a clockwise pattern around the van until the K-9 alerted on the driver's door. Deputy Wester informed the Hazelwoods that the K-9 alerted to the odor of narcotics emitting from the vehicle. Both Jeremy and Kimberly denied having any illegal narcotics in the vehicle. Deputy Wester asked if they had smoked marijuana in the vehicle, which they both responded no.

Deputy Wester directed the Hazelwoods to exit the vehicle with their children and stand near his patrol vehicle. Deputy Wester returned to his patrol vehicle and retrieved a pair of black tactical gloves from the door. Deputy Wester put the gloves on as he walked to the front passenger side of the van. Deputy Wester searched multiple items before he opened a yellow plastic bag that appeared to be full of trash. In the bag, Deputy Wester located a white Excedrin bottle.

Deputy Wester opened it, shook the bottle, put the lid back on and tossed it back into the bag. Deputy Wester searched other items within the bag, including an empty cigarette pack, and then picked up the Excedrin again and tossed it on the front passenger seat. Deputy Wester continued to search the contents of the bag and then pushed it aside and searched around the passenger seat area. The bottle was seen sitting on the front passenger seat with the lid ajar. Deputy Wester continued to search and then picked up the pill bottle and moved it toward the dashboard, out of the view of the camera.

Judge's Initials

21 of 28

Affiant's Initials DC

Deputy Wester searched other bags and areas within the passenger compartment. Deputy Wester took the Excedrin bottle from the dashboard, walked around to the front driver's door, and placed the bottle on top of the van. Deputy Wester searched the front driver's side area, where the K9 alerted, for approximately fifteen seconds. Then, Deputy Wester briefly searched the rear driver side passenger area. No other items were located and Deputy Wester took the bottle from on top of the van back to his patrol car.

Deputy Wester removed a plastic kit from the trunk that contained field test kits. Deputy Wester asked the Hazelwoods if they used Excedrin, which Jeremy said Kimberly did for headaches. Deputy Wester asked Deputy Jackson to escort Jeremy and the children to the van, so he could speak to Kimberly.

Deputy Wester removed a swab and test kit from the container. He opened the Excedrin pill bottle, dabbed the swab the inside of it, and broke the swab off inside the test kit. Deputy Wester lowered the test, below his camera, and was heard breaking the ampules and shaking the test kit. In less than three seconds, Deputy Wester said okay and cupped the test in his right hand, so it was not visible on camera, and quickly tossed the test into the container and shut lid shut in one swift motion. Then, he placed the Excedrin bottle and his plastic test kit container in the trunk of his vehicle. The video did not capture the results of the test nor did Deputy Wester show Kimberly the test results.

Deputy Wester then asked Kimberly if she recognized the bottle that was in the trash bag and Kimberly told him it was one Jeremy bought a few days ago. Deputy Wester told Kimberly she was detained and read her Miranda Rights. Kimberly indicated she understood and agreed to speak to Deputy Wester. Deputy Wester explained the reason for the stop and that K-9 Solo alerted on the vehicle. Deputy Wester conducted a search and found the Excedrin bottle in a brown plastic bag, which appeared to hold trash, on the floor board near where she was seated. The bottle contained a crystalized substance, which test positive for methamphetamine.

Kimberly said she did not understand. Deputy Wester then asked her if the bottle was hers and where it came from. Kimberly told Deputy Wester that Jeremy bought it because she has migraines and they just put it in there that day. Kimberly stated she did not do drugs and has never messed with that stuff. Deputy Wester asked if anyone ever rode in the vehicle with them. Kimberly stated that her brother in-law and sister use to do it (referring to drugs) and they had visited them that day.

Deputy Wester asked if Jeremy used narcotics. Kimberly told Deputy Wester that neither one of them have. Deputy Wester explained to Kimberly that she was being arrested for being in constructive possession of methamphetamine. He explained the bag was on her side of the vehicle and she had touched the bag while looking for her identification. Kimberly began crying and swore she did not use drugs. Then, Deputy Wester placed Kimberly in the back seat of his patrol car.

Deputy Wester approached the driver's side of the van and directed Jeremy to step out of the vehicle. Deputy Wester explained to Jeremy that his wife was being arrested for possession of methamphetamine, because he found a crystalized substance in the Excedrin bottle that tested positive for methamphetamine. Deputy Wester explained the bag that contained the Excedrin bottle was on her side of the vehicle, and he saw her fiddling with it while looking for her identification. Jeremy appeared shocked and said Kimberly had never done drugs a day in her life. Jeremy asked if Kimberly could take a drug test, which Deputy Wester explained he was unable to do. Jeremy advised his wife has never been arrested, had a speeding ticket, or anything. Deputy Wester told Jeremy that Kimberly showed signs of methamphetamine use by the way her face was sunk in and her teeth. Jeremy stated his wife has always been like that.

Jeremy stated he and his wife could pass a drug test and they do not do drugs. Jeremy said that was why he allowed them to search his vehicle. Deputy Wester stated he still had probable cause to search the vehicle because of the K-9 alert. Deputy Wester lectured Jeremy about the methamphetamine being in close proximity to their children to and Jeremy was adamant that they did not know it was in there.

While transporting Kimberly to the jail, Deputy Wester asked if she would pass a drug test and Kimberly promised she could. Kimberly cried during the transport and asked if she was going to lose her children.

In the video, Deputy Wester initially explained to Kimberly that she was in constructive possession of the methamphetamine because it was near her but later added that he witnessed her touch the bag where the Excedrin bottle was located. [Then, Deputy Wester wrote in his sworn affidavit that he actually saw Kimberly place the bottle into a plastic bag located in the front passenger floor board. There was no video evidence to support his statement. Deputy Wester's account progressively changed from Kimberly sitting near where it was located, to her touching the bag it was located in, to her actually placing it in the bag.]

Deputy Wester made contact with the Hazelwoods on four separate occasions before they exited the vehicle. Kimberly was sitting in the same position, with her legs on the seat tucked underneath her, on all four occasions. None of the encounters showed Kimberly place a pill bottle into the yellow bag. During the second encounter, the video was briefly obstructed while Deputy Wester obtained Kimberly's name and date of birth; however, there were no noises consistent with someone handling a plastic bag. Deputy Wester never gave any orders or made any comments to Kimberly about placing a pill bottle or any other object into a plastic bag. Additionally, Deputy Wester did not make any comments to Deputy Jackson regarding Kimberly moving around suspiciously in the vehicle either.

Deputy Wester's report also stated that Kimberly stated she had just purchased the Excedrin that day because she has migraines; however, in the video, Kimberly said her husband purchased the Excedrin a few days prior.

Judge's Initials 

23 of 28

Affiant's Initials 

Deputy Wester commented to Deputy Jackson that Kimberly was "tripping out." However, during each encounter Deputy Wester had with the Hazelwoods, Kimberly did not appear to be nervous or anxious; rather, she had a calm demeanor, as did Jeremy.

When Jeremy was adamant that Kimberly had never done drugs, Deputy Wester responded by saying she looked it she did methamphetamine and commented about her face and teeth. Further, when Deputy Wester tested the narcotics, the results were not captured on video.

During the course of this investigation, your Affiant obtained a sworn statement from both Kimberly Hazelwood and Jeremy Hazelwood.

According to Kimberly's statement, Deputy Wester told them they were stopped for a "routine traffic stop." Deputy Wester said he was going to use a K9 to conduct an air sniff and Jeremy consented. Deputy Wester notified them that the K9 alerted on the driver's side and he was going to search the van. Deputy Wester searched and told the Hazelwoods he located an Excedrin bottle and asked them who it belonged to. Jeremy told Deputy Wester that it was Kimberly's. Kimberly advised that the Excedrin bottle was purchased about a month before this incident, and Jeremy discarded the empty bottle in the plastic trash bag on the floorboard. Deputy Wester took the bottle to his vehicle and said it tested positive for methamphetamine. Kimberly did not witness the field test nor did Deputy Wester show her the results. Kimberly stated that she and Jeremy did not use methamphetamine, they had no knowledge of the methamphetamine, and it did not belong to either of them. Furthermore, Kimberly advised she never touched the bottle or trash bag during the traffic stop.

According to Jeremy's statement, Deputy Wester pulled him over and said it was a routine traffic stop. During the stop, Wester told the Hazelwoods that a K9 was going to conduct an air sniff search. A K9 went around the car and Deputy Wester notified Jeremy that the dog alerted on the driver's side. Deputy Wester searched the passenger side of the car and eventually placed his wife, Kimberly, under arrest. When Jeremy was discussing Kimberly's arrest with Deputy Wester, Deputy Wester reported that he found drugs in a bottle that was on the passenger floorboard. Jeremy told Deputy Wester that was not true and that he and his wife did not do drugs. Deputy Wester told Jeremy that Kimberly looked like a drug head.

The summer after Kimberly's arrest, Jeremy was pulled over again by Deputy Wester. Again, Deputy Wester had indicated it was a routine traffic stop and he did not provide a reason for the stop. Jeremy was alone at the time and Deputy Wester asked Jeremy where Kimberly was. This upset Jeremy and he told Deputy Wester that it was none of his business. Jeremy asked Deputy Wester to either write him a ticket for something, or let him go. Deputy Wester let Jeremy go without incident.

The suspected methamphetamine that Deputy Wester reportedly located was sent to the Florida Department of Law Enforcement for chemistry analysis, and it was identified as methamphetamine.

Judge's Initials

24 of 28

Affiant's Initials DC

Deputy Wester used his position with Jackson County Sheriff's Office to commit the crimes of:

- Count 44) False Imprisonment (K. Hazelwood)
- Count 45) Possession of Methamphetamine
- Count 46) Fabricating Evidence
- Count 47) Perjury (Not in an Official Proceeding)
- Count 48) Official Misconduct

✓ **(11) Incidents Related to Deputy Zachary Wester's Patrol Car**

On August 1, 2018, Deputy Zachary Wester was placed on administrative suspension. According to a sworn statement from Jackson County Sheriff's Office Commander Kevin Arnold, the patrol supervisor at the time, after Deputy Wester was suspended, his department issued patrol car was secured in the Jackson County Sheriff's Office helicopter bay.

On September 6, 2018, Jackson County Sheriff's Office Internal Affairs Lieutenant Mike Hodges conducted a search of Deputy Wester's department issued patrol car, which had been previously secured since August 1, 2018. The search was video recorded and witnessed by Jackson County Sheriff's Office Investigator Billy Benton. ✓ During the search, numerous items of unsecured narcotics were located, as well as, numerous items of drug paraphernalia.

✓ In the front passenger seat of the patrol car, in Deputy Wester's seat caddy organizer, two plastic containers were hidden inside of his black tactical style glove. One contained the plastic sheath of a methamphetamine reagent test kit, commonly referred to as a field test kit. The sheath already contained methamphetamine, however, the reagent ampules were not present and the methamphetamine had not yet been field tested. ✓ The second container hidden in Deputy Wester's glove contained methamphetamine residue and a plastic bag with methamphetamine residue.

The items found concealed in Deputy Wester's black tactical glove were sent to the Florida Department of Law Enforcement for chemistry analysis and were identified as methamphetamine.

In the trunk of Deputy Wester's patrol car, multiple items of drug paraphernalia, methamphetamine and marijuana were located. Several of these items were concealed inside an unmarked, unlabeled and unsecured evidence bag.

The numerous items located in the trunk were also sent to the Florida Department of Law Enforcement for chemistry analysis and were identified as methamphetamine and cannabis. ✓ Specifically, ten (10) items of methamphetamine and five (5) items of cannabis were identified. Specifically, forty-two (42) items of paraphernalia were located, to include: rolling papers, a crown royal bag with marijuana residue, thirty-six (36) plastic baggies of differing sizes, one (1)

Judge's Initials _____

25 of 28

Affiant's Initials DC

pipe, one (1) syringe, one (1) pill bottle and two (2) containers. Additionally, one (1) item, a small plastic zip lock bag with white residue, was insufficient for identification and one (1) item, a small zip lock bag with a white substance, was not identified as a controlled substance per F.S.S. 893.03.

According to Lieutenant Hodges, the items located within Deputy Wester's patrol car were not maintained as required of legitimate evidence, items for safe keeping or items for destruction. Specifically, none of the items were labeled with a case number or identifying information as being associated with a legitimate seizure.

Furthermore, your Affiant obtained and reviewed Deputy Zachary Wester's Jackson County Sheriff's Office calls for service history from July 1, 2018 until the time of his suspension on August 1, 2018. According to the records during this time period, Deputy Wester did not make any drug related arrests nor did he have any calls or reports that documented a drug seizure.

The multiple items located were consistent with, and similar in appearance to, items believed to have been used to fabricate evidence during Deputy Wester's traffic stops and arrests. Those items include but are not limited to: small plastic bags, plastic bags containing methamphetamine, plastic bags containing marijuana, marijuana residue, methamphetamine packaged in an un-used field test and a small plastic zip lock bag containing a white residue that was not identified as a controlled substance per F.S.S. 893.03.

Deputy Wester used his position with Jackson County Sheriff's Office to commit the crimes of:

Count 49) Possession of Drug Paraphernalia
Count 50) Possession of Methamphetamine
Count 51) Possession of Marijuana

Zachary Wester

On September 11, 2018, your Affiant contacted Zachary Wester and provided him an opportunity to give a statement regarding the allegations and he declined to provide a statement.

Summary of Racketeering Activity

On numerous occasions described within this affidavit, there was either no recording associated with Deputy Wester's traffic stops, the recording was activated after alleged evidence was located, or the recording was terminated prior to locating alleged evidence. As discussed previously in this affidavit, this conduct was in violation of the policies and procedures of Jackson County Sheriff's Office, which he acknowledged and signed. Furthermore, Deputy Wester offered no explanation in his written reports for the missing and or incomplete recordings. Based on a review of evidence, your Affiant has probable cause to believe that

Judge's Initials _____

26 of 28

Affiant's Initials

DL

Deputy Wester circumvented the JCSO body worn camera policy and tailored his recordings in order to conceal his criminal activity.

Your Affiant has probable cause to believe that Deputy Wester was in unlawful possession of the narcotics and drug paraphernalia located within his department issued patrol car; specifically, methamphetamine, cannabis and drug paraphernalia, and he intended to utilize the narcotics to further his racketeering activity by fabricating evidence, committing false imprisonment, perjury and official misconduct. Your Affiant bases this belief on the vast quantity and variety of illicit items located, the fact that items were found hidden inside Deputy Wester's tactical glove, were stored in various locations within Deputy Wester's patrol car as opposed to a secure evidence locker, coupled with the absence of a documented lawful seizure and that the items were similar to items believed to be used to fabricate evidence in the above described incidents.

Your Affiant has probable cause to believe that the incidents share a similar pattern and had the same intent as described below:

Based on the above facts and circumstances, your Affiant has probable cause to believe that Zachary Wester fabricated evidence and, in turn, authored official reports and sworn arrest affidavits in which he swore the above listed individuals were in possession of controlled substances and drug paraphernalia, knowing the official reports and affidavits contained false information. Deputy Wester used his authority as a sworn law enforcement officer and placed the individuals under arrest, based on fabricated evidence, therefore restraining them without lawful authority. Deputy Wester's falsification of official records and sworn affidavits resulted in incarcerations that caused harm to the individuals. Additionally, Zachary Wester was knowingly in actual and constructive possession of a controlled substance on numerous occasions, outside the exceptions as found in Chapter 893, Florida Statutes, which are felony and misdemeanor violations of Florida Statutes 893.13(6)(a) and 893.13(6)(b).

Based on the aforementioned information, it is believed that from on or about July 14, 2017 and continuing through about on or about August 1, 2018, in Jackson County, Florida, Zachary Wester, while employed by, or associated with, an enterprise as defined by Section 895.02(3), Florida Statutes, that is, the Jackson County Sheriff's Office, did conduct or participate, directly or indirectly, in this enterprise through a pattern of racketeering activity, as defined by Section 895.02(1) and (4) that is, he did commit at least two incidents of crimes chargeable under Section 838, relating to Misuse of Office; Section 837, relating to Perjury; Section 918, relating to Tampering with Evidence; Section 893, relating to Drug Abuse and Prevention; and Section 787, relating to False Imprisonment, that had the same or similar intents, results, accomplices, methods of commission or were interrelated by distinguishing characteristics and were not isolated incidents and did occur in Jackson County, Florida.

Deputy Wester used his position with Jackson County Sheriff's Office to commit the crimes of:

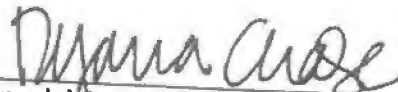
Count 52) Racketeering

Judge's Initials

27 of 28

Affiant's Initials DC

WHEREFORE, your Affiant prays that a warrant be issued commanding the Executive Director of the Florida Department of Law Enforcement or any of his duly authorized Special Agents and all Sheriffs or any of their duly appointed Deputies, or Police Officers acting within their jurisdiction, to arrest **Zachary Tyler Wester**, identified herein above, and bring him before the Court so that he may be dealt with according to law.


Special Agent Dyana Chase
Florida Department of Law Enforcement

SWORN TO AND SUBSCRIBED before me this 8 day of July, 2019.


CIRCUIT JUDGE

Judge's Initials 

28 of 28

Affiant's Initials 